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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,529	09/19/2003	Guo-Qiang Wang	16019ROUS01U	5891
34645 7590 03/27/2008 Anderson Gorecki & Manaras, LLP Attn: John C. Gorecki P.O BOX 553 CARLISLE, MA 01741				
EXAMINER HARPER, KEVIN C				
ART UNIT		PAPER NUMBER		
2616				
NOTIFICATION DATE		DELIVERY MODE		
03/27/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

john@gorecki.us  
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### Office Action Summary

**Application No.**

10/666,529

**Applicant(s)**

WANG ET AL.

**Examiner**

Kevin C. Harper

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed December 27, 2007 concerning the 35 USC 101 rejection have been fully considered and are persuasive. This rejection has been withdrawn.

Applicant's remaining arguments have been fully considered but they are not persuasive.

1. Applicant argued that it would not have been obvious to one skilled in the art to provide VPN information in an SIP message. However, Samarasinghe notes that traditional SIP messages do not provide functionality for the underlying network, in particular VPN information (para. 3, lines 9-10; para. 26) concerned with a call. Therefore, Samarasinghe recognizes that additional network information is beneficially carried within the SIP messages (para. 4). Hama provides VPN registration within the network (fig. 16). Therefore, the combination teaches and provides motivation for SIP messages containing VPN information for the purpose of SIP call setup within a VPN network (Samarasinghe, paras. 3-4, 7 and 26; Hama, fig. 16).
2. Applicant argued that the combination does not provide for registering an application VPN-ID and obtaining VPN resources associated with the VPN-ID. However, Samarasinghe discloses providing call setup using modified SIP messages containing VPN information (paras. 3 and 7) and Hama provides registering the VPN-ID to obtain network resources (fig. 16). The motivation for the combination is to provide VPN information to setup a SIP call (Samarasinghe, paras. 3-4 and 7; Hama, fig. 16).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7, 9-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe (US 2004/0028080) in view of and Hama (US 7,707,346).

3. Regarding claims 1, 4-5, 7, 9-15 and 17, Samarasinghe discloses a method comprising receiving a SIP message (para. 7) and registering information (para. 20; note: a call is setup). Further regarding claim 13, Samarasinghe discloses a gateway (fig. 2, item 31) for performing the method. However, Samarasinghe does not disclose receiving a SIP message containing VPN information and registering the VPN. Although, Samarasinghe discloses a SIP INVITE message containing node information (para. 7).

4. Further, Hama discloses nodes belonging to VPNs where a VPN-ID is exchanged (col. 5, lines 29-30) and the VPN is registered (col. 5, lines 52-56; fig. 16, step 406). Further regarding claim 4, VPN tunnels are established (col. 5, lines 40-43; note: label based on a VPN-ID). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have VPNs in the network of Samarasinghe in order to provide a secured partition of a network as is known in the art (Hama, col. 1, lines 20-35). Further, it would have been obvious to one skilled in the art at the time the invention was made to have VPN information in SIP messages and register VPN information in the invention of Samarasinghe in order to provide SIP call setup within a VPN network (Samarasinghe, paras. 3-4; Hama, fig. 16) or to update the topology of the VPN network (Samarasinghe, paras. 3-4; Hama, col. 16, lines 8-21).

5. Regarding claim 2, Samarasinghe does not disclose an MPLS network. However, Hama discloses an MPLS network (col. 3, lines 34-50). Therefore, it would have been obvious to provide an MPLS network in the invention of Samarasinghe in order to provide connection-oriented services in an IP network (Hama, col. 3, lines 34-50).

6. Regarding claim 3, Samarasinghe does not disclose BGP. However, Hama discloses BGP (col. 5, lines 29-43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have BGP in the invention of Samarasinghe in order to provide a standardized signaling among the nodes of the IP network as is known in the art (col. 5, lines 29-43).

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe in view of Hama as applied to claim 5 above, and further in view of Donovan (US 2002/0041590).

7. Regarding claims 6 and 8, Samarasinghe in view of Hama does not disclose requesting VPN QoS. However, Donovan discloses providing desired QoS information in a SIP INVITE message (paras. 61-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to request a QoS in a SIP message in the invention of Samarasinghe in order to reserve adequate network bandwidth as is known in the art (Donovan, para. 61-63).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe in view of Hama as applied to claim 14 above, and further in view of Faccin et al. (US 2003/0033518).

8. Samarasinghe in view of Hama does not disclose the gateway having AAA capability. However, Faccin discloses a gateway having AAA capability (abstract; claim 5). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have AAA capability in the gateway of Samarasinghe in order to manage network resources as is known in the art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For

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more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kevin C. Harper/

Primary Examiner, Art Unit 2616

March 17, 2008